

## **R E M A R K S**

### **Status of the Claims**

Claims 1-15 remain pending in this patent application. Claims 16-27 have been withdrawn

### **Finality of Last Office Action**

The last Office Action, dated April 23, 2003, was responsive to a paper filed by Applicant on March 25, 2003 in which no amendments were made to the claims. In the last Office Action, which was made final, the Examiner introduced a new ground of rejection of claims 1, 2 and 4-15. Under the policy enunciated in MPEP § 706.07(a), the last Office Action should *not* have been made final, because the new ground of rejection was not, and could not have been, necessitated by any amendments to the claims. Accordingly, under the provisions of MPEP §§ 706.07(c) and 706.07(d), Applicant respectfully requests that the Examiner reconsider and withdraw the finality of the last Office Action.

### **Allowable Subject Matter**

Applicant notes with appreciation the Examiner's recognition of claim 3 as being allowable but is confused by the Examiner's statement that the claim "would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C.

112, second paragraph, set forth in this Office action." In the last Office Action, claim 3 was not rejected under 35 U.S.C. § 112.

**Rejection of the Claims**

Claims 1, 2 and 4-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent No. 5,955,744 (Gu et al.) in view of U.S. patent No. 5,305,128 (Stupp et al.). Applicant respectfully traverses this rejection.

Independent claims 1 and 15 recite a liquid crystal display comprising a combination of elements which includes crossing gate and data lines and a pixel electrode having a portion overlapping the data line and a storage electrode connected to the pixel electrode and overlapping the gate line. Claim 1 additionally recites the pixel electrode as being laterally spaced from the gate line, while claim 15 additionally recites a portion of the storage electrode as being laterally spaced from the data line.

Referring to the LCD shown in Fig. 3 of Gu et al., the entire extent of the edges of pixels 3 overlap crossing address lines 5 and 7 at overlap areas 18. Gu et al. cannot, then, satisfy the requirement of claims 1 and 15 that a *portion* of the pixel electrode overlaps the data line. In addition, Gu et al. cannot satisfy the requirement of claim 1 that the pixel electrode is laterally spaced from the gate line.

In the display device shown in Fig. 3 of Stupp et al., the entire extent of the edges of pixel 10 is spaced from crossing gate and source lines 12 and 14.

Recognizing the deficiencies of Gu et al. vis-à-vis the requirements of Applicant's claims, the Examiner proposes modifying the Gu et al. LCD to incorporate teachings borrowed from Stupp et al. In particular, the Examiner proposes modifying the Gu et al. LCD so that portions of the pixel edges are spaced from the gate and data lines.

Applicant submits that one of ordinary skill in the art would not find obvious the modification of the Gu et al. LCD proposed by the Examiner. Certainly, there is no suggestion in either Gu et al. or Stupp et al. for making the modification proposed by the Examiner. Moreover, the proposed modification is illogical and contradicts the explicit teachings of Gu et al.: The extent of the overlap areas 18 is a key inventive aspect of the Gu et al. LCD, and the reduction of these areas resulting from the proposed modification would reduce the disclosed benefits of the overlap areas. Absent the teachings provided by Applicant in this patent application, it is unlikely that one of ordinary skill in the art would disregard the explicit teachings of Gu et al. by reducing the extent of the overlap areas 18, as the Examiner has proposed.

The liquid crystal display device disclosed and claimed in this application facilitates the repair of the display device. The benefits of the disclosed and

claimed display device are not suggested and cannot be realized by the prior art applied by the Examiner, either singly or in combination.

For reasons presented in the foregoing discussion, Applicant submits that the Gu et al. and Stupp et al. disclosures cannot properly serve as a basis for rejecting independent claims 1 and 15 or dependent claims 2 and 4-14 under 35 U.S.C. § 103.

In view of the amendments and remarks presented herein, Applicant respectfully requests that the Examiner withdraw the rejection stated in the last Office Action and recognize claims 1-15, all of the claims pending in this application, as allowable.

In the event that this Request for Reconsideration does not place the present application into condition for allowance, entry thereof is respectfully requested as placing the present application into better condition for Appeal.

**Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Joseph A. Kolasch (Reg. No. 22,463) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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